

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION**

Daloni Clark,

Plaintiff,

v.

The Medical University of South Carolina,
d/b/a MUSC Health Orangeburg d/b/a
The Regional Medical Center,

Defendant.

) C.A. No.: _____

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NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant The Regional Medical Center of Orangeburg and Calhoun Counties (“Defendant”), incorrectly identified in the Complaint as The Medical University of South Carolina, d/b/a MUSC Health Orangeburg d/b/a The Regional Medical Center, by and through its undersigned counsel, hereby removes this action to the United States District Court for the District of South Carolina, Orangeburg Division, from the State of South Carolina, Orangeburg County, Court of Common Pleas. The grounds for removal are as follows:

1. On August 15, 2023, Plaintiff Daloni Clark (“Plaintiff”), filed this action in the Court of Common Pleas, County of Orangeburg, State of South Carolina, captioned as Daloni Clark v. The Medical University of South Carolina, d/b/a MUSC Health Orangeburg d/b/a The Regional Medical Center, Civil Action No. 2023-CP-3801151. A copy of the Summons and Complaint are attached hereto as Exhibit A in accordance with 28 U.S.C. § 1446(a). The Summons and Complaint constitute all process, pleadings, and orders served in this action.

2. On October 13, 2023, counsel for Defendant accepted service of the Summons and Complaint.

3. Defendant has filed this Notice of Removal within thirty (30) days of receipt of the Complaint. This Notice of Removal, therefore, has been timely filed pursuant to 28 U.S.C. § 1446(b).

4. Venue is proper in this Court. This Court is the judicial district and division embracing the place where the state court action was brought and is pending. Thus, it is the proper district court to which this case should be removed. See 28 U.S.C. §§ 1441(a) and 1446(a).

5. In the Complaint, Plaintiff alleges three (3) federal causes of action. Specifically, in Plaintiff's first and second causes of action, he alleges violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e) et seq. (See Compl. ¶¶ 23-36). In his third cause of action, he alleges violations of the Fair Labor Standards Act. (See Compl. ¶¶ 37-41).

6. Because Plaintiff alleges three (3) causes of action that arise under the Constitution, laws, or treaties of the United States, this action is removable pursuant to 28 U.S.C. § 1331.

7. This Court has supplemental jurisdiction over Plaintiff's remaining state-law claim as it is related to the claims asserted under the federal statutes and is part of the same case or controversy. *See* 28 U.S.C. § 1367(a).

8. By this Notice of Removal, Defendant is not waiving, and expressly reserves, all defenses and all additional rights afforded by the rules of court.

9. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be served on Plaintiff and a copy of the Notice of Removal is being filed with the Clerk of Court for the Court of Common Pleas for Orangeburg County, South Carolina, contemporaneously with this filing.

10. The Complaint contains a demand for a jury trial.

WHEREFORE, Defendant prays that the above-referenced action now pending in the Court of Common Pleas for Orangeburg County, South Carolina, Civil Action No. 2023-CP-3801151, be removed in its entirety to this Court, as provided by law, and pursuant to 28 U.S.C. § 1446(d), that the Court of Common Pleas for Orangeburg County, South Carolina proceed no further unless and until the case is remanded.

Respectfully submitted,

s/Amanda C. Williams

Amanda C. Williams (Fed ID No. 10218)

amandawilliams@parkerpoe.com

Megan M. Feltham (Fed. ID No. 13770)

meganfeltham@parkerpoe.com

PARKER POE ADAMS & BERNSTEIN LLP

850 Morrison Drive, Suite 400

Charleston, SC 29403

(843) 727-2650

ATTORNEYS FOR DEFENDANT

November 10, 2023

Charleston, South Carolina